Remarks

Applicants thank the Examiner for the careful examination of this application and the clear explanation of the rejections.

The amended title conforms to the claimed matter.

The amended specification includes reference to the priority claim and related patents.

The amended and new claims "particularly point out and distinctly claim the subject matter the applicant regards as his invention."

The amended independent claim obviates the double patenting rejection under 35 USC 101 with additional limitations not contained in the claims of the cited applications and patent.

Amended claim 1 defines a process of sending packets of voice information.

The process initially generates at a sender the packets of voice information. The packets of voice information include source packets with an initial source rate greater than zero kilobits per second, and diversity packets with an initial diversity rate. The initial diversity rate is at least zero kilobits per second.

The process sends the packets, thereby resulting in a quality of service QoS.

The process compares the QoS with a threshold of acceptability.

When the Qos is on an unacceptable side of the threshold, the process increases the diversity rate.

When the Qos returns to an acceptable side of the threshold, the process increases the source rate.

In contrast, US 5,944,659 to Flach discloses a real-time packet data system provided on a LAN system. The Action states that the Flach patent does not explicitly teach this data transmission having an associated quality of service. The Flach patent discloses in the Abstract, however, that:

> To provide a high degree of protection against multi-path interference, each remote telemeter maintains connections with two different VCELLs at-a-time, and transmits all data packets (on different frequencies and during different timeslots) to both VCELLs; the system thereby provides space, time and frequency diversity on wireless data packet transfers from the telemeters.

The Flach patent thus provides some protection of the quality of the real-time patient data by connections with two different ceiling mounted RF transceivers, or VCELLS. This patent then teaches space, time and frequency diversity on wireless data packet transfers from the telemeters by connections with two different VCELLS.

Claim 1 requires comparing the QoS with a threshold of acceptability, increasing the diversity rate when the Qos is on an unacceptable side of the threshold, and increasing the source rate when the Qos returns to an acceptable side of the threshold.

The Krutz patent, US 6,138,012, discloses that:

> In a preferred embodiment, in order to improve the quality of service into areas where obstructions can block out signals from a given direction, two satellites are used to provide diversity coverage from two different angles. In order to mitigate the effects of signal blocking and fading, the DCSU in the common area is assigned to a traffic channel on both satellites. (Column 2, lines 20-26)

This patent, similar to the disclosure in the Flach patent, teaches that to improve the quality of service, two satellites are used to provide diversity coverage.

Claim 1 requires comparing the QoS with a threshold of acceptability, increasing the diversity rate when the Qos is on an unacceptable side of the threshold, and increasing the source rate when the Qos returns to an acceptable side of the threshold.

Claim 1 stands allowable.

The depending claims also stand allowable as depending from allowable independent claim 1 and as including additional distinguishing limitations.

The application is in allowable form and the claims distinguish over the cited references. Applicants respectfully request reconsideration or further examination of this application.

Respectfully Submitted,

/Lawrence J Bassuk/

Lawrence J. Bassuk
Reg. No. 29,043
Attorney for Applicant

Texas Instruments Incorporated
P. O. Box 655474, MS 3999
Dallas, Texas 75265
972-917-5458